

**567—71.2(455B) Delegated state floodplain permitting by local communities.** Upon submission to the department for review and approval, a local unit of government may establish encroachment limits, floodplain regulations, and zoning ordinances, subject to the following:

**71.2(1)** Written approval from the department must be obtained before effective adoption or amendment of a local regulation that would control development in a floodplain or floodway for purposes related to flood protection. A local government may appeal the refusal of the department to approve a proposed regulation by notifying the department and requesting that the proposed local regulation be considered at the next meeting of the commission.

**71.2(2)** Prior to receiving approval, a community shall demonstrate capacity to properly review applications and issue floodplain permits.

**71.2(3)** Approved communities shall provide evidence to the department of this capacity at least every five years. Additionally, the department may, from time to time, take action to ascertain the effectiveness of department-approved, locally adopted floodplain management regulations. Upon a finding that the local government has been negligent in administering the approved regulations, the department may revoke approval of same. Floodplain works found to be in violation of department-approved, locally adopted floodplain management regulations may be handled under the provisions of the department's rules for investigation of unauthorized projects.

**71.2(4)** Where it is unclear whether the works are adequately covered by such local regulations, the department shall make the determination.

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